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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/617,538

07/11/2003

Sergio Nieto Gil

FICO-002/00US

3497

22903

7590

08/23/2006

COOLEY GODWARD LLP

ATTN: PATENT GROUP

THE BOWEN BUILDING

875 15TH STREET, N.W. SUITE 800

WASHINGTON, DC 20005-2221

EXAMINER

KING, BRADLEY T

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,538

Applicant(s)

NIETO GIL ET AL.

Examiner

Bradley T. King

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/07/2006 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 recites "such the determination of the mechanical load of the at least one brake cable is decoupled from the load transmission to at least one brake cable". While the original disclosure provides antecedent basis for this limitation, its scope and meaning is not clear from the disclosure. It appears that some components of the load

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sensor are required to provide a counter force to create load in the brake cable during load measurement. It is not clear how this is considered to be "decoupled".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belmond (US# 5590744) in view of Hansen et al (US# 6213259).

Belmond discloses an operating mechanism including; an actuator (see figure 6) connected to at least one brake cable 107-108; the actuator comprising a spindle 103 and a nut 104 engaging each other and forming a spindle/nut assembly, wherein the spindle/nut assembly can be axially displaced within the operating mechanism. Note column 5, lines 55-60. Belmond lacks a load sensor arranged between a housing and the spindle/nut assembly. Hansen et al discloses a similar operating mechanism and further teaches a load sensor (figures 7-8) which is decoupled when spring 38 is fully compressed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the load sensor taught by Hansen et al in the spindle/cable arrangement of Belmond to provide a load indication to the brake, thereby ensuring proper brake application forces and preventing potential overload and damage. Also note the 112 1st rejection above.

Regarding claim 2, note motor 116 and gear train 115.

Regarding claim 3, note that spindle 103 is slidable in response to differential forces between the two cables. Col. 5, lines 55-60.

Regarding claim 4, note gear wheel 102.

Regarding claims 6-7, note threads 103a-b function as stoppers.

Regarding claim 11, Belmond further lacks disclosure of the use of multiple Bowden cables connected to one brake cable. The Examiner takes Official Notice that it is well known in the art to utilize multiple cables to balance loads and provide redundant structure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize multiple Bowden cables as known in the art to provide greater security in the system, thereby improving the safety of the system.

Response to Arguments

Applicant's arguments filed 6/07/2006 have been fully considered but they are moot in view of the new grounds of rejection.

The new matter rejection under 112 1st has been withdrawn as the claims have been amended to correspond to the language of the original disclosure. Please note the new enablement rejection above. Applicant's amendment has overcome the previous rejections in view of Hanson and Flynn as neither reference shows an axially displaceable spindle/nut assembly.

Regarding the statement of Official Notice in the last office action, it is noted that Applicant has not traversed the statement. The statement is therefore taken as admitted prior art. See MPEP 2144.03(c).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BTK

 8/12/06

**BRADLEY KING
PATENT EXAMINER**